

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2007-244

Amy Batten-Hollman  
13301 Corbel Circle #2114  
Ft. Myers, FL 33907

And  
13301 Corbel Circle # 1321  
Ft. Myers, FL 39907

Registered Nurse License No. 455467

Respondent.

**DECISION**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 19, 2008.

IT IS SO ORDERED December 19, 2008



President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

EDMUND G. BROWN JR., Attorney General  
of the State of California  
GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
MICHEL W. VALENTINE, State Bar No. 153078  
Deputy Attorney General  
California Department of Justice  
300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 897-1034  
Facsimile: (213) 897-2804

Attorneys for Complainant

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

AMY H. BATTEN-HOLLMAN  
13301 Corbel Circle, #2114  
Ft. Myers, Florida 33907

Registered Nurse License No. 455467

Respondent.

Case No. 2007-244  
OAH No. 2008040914

STIPULATED SURRENDER  
OF LICENSE AND ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of the Board of Registered Nursing. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Michel W. Valentine, Deputy Attorney General.

2. AMY H. BATTEN-HOLLMAN (Respondent) is represented in this proceeding by attorney Edgardo Gonzalez, whose address is 1300 Clay Street, Suite 600, Oakland, California 94612.

1                   3.     On or about August 31, 1990, the Board of Registered Nursing ("Board")  
2 issued Registered Nursing License No. 455467 to AMY H. BATTEN-HOLLMAN (Respondent).  
3 The license will expire on May 31, 2010, unless renewed.

4                                   JURISDICTION

5                   4.     Accusation No. 2007-244 was filed before the Board, and is currently  
6 pending against Respondent. The Accusation and all other statutorily required documents were  
7 properly served on Respondent on October 26, 2007. Respondent timely filed a Notice of  
8 Defense contesting the Accusation. A copy of Accusation No. 2007-244 is attached as exhibit A  
9 and incorporated herein by reference.

10                                   ADVISEMENT AND WAIVERS

11                   5.     Respondent has carefully read, fully discussed with counsel, and  
12 understands the charges and allegations in Accusation No. 2007-244. Respondent also has  
13 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
14 Surrender of License and Order.

15                   6.     Respondent is fully aware of her legal rights in this matter, including the  
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
17 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;  
18 the right to present evidence and to testify on her own behalf; the right to the issuance of  
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
20 reconsideration and court review of an adverse decision; and all other rights accorded by the  
21 California Administrative Procedure Act and other applicable laws.

22                   7.     Respondent voluntarily, knowingly, and intelligently waives and gives up  
23 each and every right set forth above.

24                                   CULPABILITY

25                   8.     Respondent admits the truth of each and every charge and allegation in  
26 Accusation No. 2007-244, agrees that cause exists for discipline and hereby surrenders her  
27 Registered Nursing License No. 455467 for the Board's formal acceptance.  
28

1                   9.     Respondent understands that by signing this stipulation she enables the  
2 Board's order accepting the surrender of her Registered Nursing License without further process.

3  
4                                   RESERVATION

5                   10.    The admissions made by Respondent herein are only for the purposes of  
6 this proceeding, or any other proceedings in which the Board or other professional licensing  
7 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

8                                   CONTINGENCY

9                   11.    The parties understand and agree that facsimile copies of this Stipulated  
10 Surrender of License and Order, including facsimile signatures thereto, shall have the same force  
11 and effect as the originals.

12                   12.    In consideration of the foregoing admissions and stipulations, the parties  
13 agree that the Board may, without further notice or formal proceeding, issue and enter the  
14 following Order:

15  
16                                   ORDER

17                   IT IS HEREBY ORDERED that Registered Nursing License No. 455467, issued  
18 to Respondent AMY H. BATTEN-HOLLMAN is surrendered and accepted by the Board.

19                   13.    The surrender of Respondent's Registered Nursing License and the  
20 acceptance of the surrendered license by the Board shall constitute the imposition of discipline  
21 against Respondent. This stipulation constitutes a record of the discipline and shall become a part  
22 of Respondent's license history with the Board.

23                   14.    Respondent shall lose all rights and privileges as a Registered Nurse in  
24 California as of the effective date of the Board's Decision and Order.

25                   15.    Respondent shall cause to be delivered to the Board both her wall and  
26 pocket license certificate on or before the effective date of the Decision and Order.  
27  
28

16. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all the charges and allegations contained in Accusation No. 2007-244 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

17. Upon reinstatement of the license, Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$49,276. Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

18. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 2007-244 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

19. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board's Decision and Order.

20. Respondent shall pay the Board its costs of investigation and enforcement in the amount state above prior to issuance of a new or reinstated license.

## ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Edgardo Gonzalez, I understand the stipulation and the effect it will have on my Registered Nursing License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

09/16/2008 07:21 5103519292

ED GONZALEZ

PAGE 05

DATED: 9-16-08

  
AMY H. BATTEN-HOLLMAN  
Respondent

I have read and fully discussed with Respondent AMY H. BATTEN-HOLLMAN the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 9-16-08

  
Edgardo Gonzalez  
Attorney for Respondent


ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing.

DATED: 9/16/08

EDMUND G. BROWN JR., Attorney General  
of the State of California

GLORIA A. BARRIOS  
Supervising Deputy Attorney General

  
MICHEL W. VALENTINE  
Deputy Attorney General

Attorneys for Complainant

**Exhibit A**  
**Accusation No. 2007-244**

1 EDMUND G. BROWN JR., Attorney General  
2 of the State of California  
3 GLORIA A. BARRIOS  
4 Supervising Deputy Attorney General  
5 MICHAEL R. GRANEN, State Bar No. 63350  
6 Deputy Attorney General  
7 California Department of Justice  
8 300 So. Spring Street, Suite 1702  
9 Los Angeles, CA 90013  
10 Telephone: (213) 897-2537  
11 Facsimile: (213) 897-2804

12 Attorneys for Complainant

13 **BEFORE THE**  
14 **BOARD OF REGISTERED NURSING**  
15 **DEPARTMENT OF CONSUMER AFFAIRS**  
16 **STATE OF CALIFORNIA**

17 In the Matter of the Accusation Against:

Case No. 2007-244

18 AMY H. BATTEN-HOLLMAN  
19 13301 Corbel Circle #2114  
20 Ft. Myers, Fl 33907

**A C C U S A T I O N**

21 Registered Nurse License No. 455467

22 Respondent.

23 Complainant alleges:

24 **PARTIES**

25 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
26 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
27 Department of Consumer Affairs.

28 2. On or about August 31, 1990, the Board of Registered Nursing issued  
Registered Nurse License No. 455467 to Amy H. Batten-Hollman (Respondent). The Registered  
Nurse License was in full force and effect at all times relevant to the charges brought herein and  
will expire on May 31, 2008, unless renewed.

///

///

///



1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

6  
7  
3  
9  
0  
1  
2  
3  
4  
5  
6  
7  
3

3  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

9  
0  
1  
2  
3  
4  
5  
6  
7  
8

0  
1  
2  
3  
4  
5  
6  
7  
8

3  
4  
5  
6  
7  
8

4  
5  
6  
7  
8

73

3

1 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed  
2 under this chapter to do any of the following:

3           “(a) Obtain or possess in violation of law, or prescribe, or except as directed by a  
4 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish  
5 or administer to another, any controlled substance as defined in Division 10 (commencing with  
6 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
7 defined in Section 4022.

8           “(b) Use any controlled substance as defined in Division 10 (commencing with  
9 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as  
10 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or  
11 injurious to himself or herself, any other person, or the public or to the extent that such use  
12 impairs his or her ability to conduct with safety to the public the practice authorized by his or her  
13 license.

14           “(c) Be convicted of a criminal offense involving the prescription, consumption,  
15 or self-administration of any of the substances described in subdivisions (a) and (b) of this  
16 section, or the possession of, or falsification of a record pertaining to, the substances described in  
17 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
18 thereof.

19           . . . .

20           “(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible  
21 entries in any hospital, patient, or other record pertaining to the substances described in  
22 subdivision (a) of this section.”

23           8.       Section 490 of the Code states:

24           “A board may suspend or revoke a license on the ground that the licensee has  
25 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or  
26 duties of the business or profession for which the license was issued. A conviction within the  
27 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
28 contendere. Any action which a board is permitted to take following the establishment of a

1 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
2 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
3 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
4 Penal Code.”

5 9. California Code of Regulations, title 16, section 1444, states:

6 “A conviction or act shall be considered to be substantially related to the  
7 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the  
8 present or potential unfitness of a registered nurse to practice in a manner consistent with the  
9 public health, safety, or welfare.

10 10. Section 11170 of the Health and Safety Code provides: “no person shall  
11 prescribe, administer, or furnish a controlled substance for himself.”

12 11. Section 11173 of the Health and Safety Code states:

13 “(a) No person shall obtain or attempt to obtain controlled substances, or procure  
14 or attempt to procure the administration of or prescription for controlled substances, (1) by fraud,  
15 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

16 “(b) No person shall make a false statement in any prescription, order, report, or  
17 record, required by the division.

18 12. Section 125.3 of the Code provides, in pertinent part, that the Board may  
19 request the administrative law judge to direct a licensee found to have committed a violation or  
20 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
21 and enforcement of the case.

22 13. CONTROLLED SUBSTANCES AND DEFINITIONS

23 a. Demerol, a brand of meperidine hydrochloride, a derivative of pethidine, is  
24 a Schedule II controlled substance as designated by Health and Safety Code section 11055(c)(17)  
25 and is categorized as a dangerous drug pursuant to section 4022 of the Code.

26 b. Fentanyl, also known as Sublimaze, is a Schedule II controlled substances  
27 as designated by Health and Safety Code section 11055(c)(8) and is categorized as a dangerous  
28 drug pursuant to section 4022 of the Code.

1 c. Stadol, brand name for Butorphanol tartrate, is a Schedule IV controlled  
2 substance as designated by Health and Safety Code section 11057(c)(3) and is categorized as a  
3 dangerous drug pursuant to section 4022 of the Code.

4 d. "PYXIS" is a computer medication dispensing station that allows users to  
5 obtain medications using a user name and personal identification number(PIN).

6 FACTUAL ALLEGATIONS AND ADMISSIONS BY RESPONDENT

7 (San Joaquin Community Hospital)

8 14. On or about October through December of 2000, Respondent, by her own  
9 admission while on duty as a registered nurse at San Joaquin Community Hospital Bakersfield,  
10 California (San Joaquin), stole controlled substances including Demerol, Fentanyl, and Stadol  
11 from the supplies of San Joaquin by falsifying controlled substance records and self administered  
12 the controlled substances by intramuscular (IM) injection into her arms in the hospital restroom.

13 15. Respondent while on duty as a registered nurse at San Joaquin on two  
14 shifts, the first beginning on October 21, 2000 and ending on October 22, 2000 and the second  
15 beginning on December 2, 2000 and ending on December 3, 2000, signed out Demerol and  
16 Stadol from PYXIS documenting the medication was to be administered to various patients,  
17 including but not limited to the following:

18 a. On the shift beginning October 21, 2000 and ending on October  
19 22, 2000, Respondent withdrew three Demerol 75mgs tubexes indicating that the medication was  
20 to be administered to Patient No. 1. The Intravenous Record (IV Record) indicates a total of  
21 150mgs of Demerol was administered to the patient at 0130 hours on October 22, 2000, leaving a  
22 total of 75mgs unaccounted for. The physician's orders were for 50mgs of Demerol.

23 b. On the shift beginning December 2, 2000 and ending December 3,  
24 2000, Respondent withdrew two Demerol 75mgs tubexes indicating in the Controlled Substance  
25 Sign-out Record that the medication was to be administered to Patient No. 2. The IV Record  
26 indicates a total of 75mgs of Demerol was administered to the patient at 0530 hours on  
27 December 3, 2000, leaving a total of 75mgs unaccounted for. There are no physician's orders for  
28 Demerol.

(Mercy Southwest Hospital)

16. On or about January 2004 through March 2004, Respondent, by her own admission while on duty as a registered nurse at Mercy Southwest Hospital, Bakersfield, California (Mercy), stole controlled substances including Demerol and Fentanyl from the supplies of Mercy by falsifying controlled substance records and self administered the controlled substances by intramuscular (IM) injection into her arms and hands in the hospital restroom.

17. Respondent while on duty as a registered nurse at Mercy from January 19, 2004 through March 20, 2004, stole and self administered over 800mgs of Demerol and 650mgs of Fentanyl from the supplies of Mercy by falsifying controlled substance records including signed out Demerol and Fentanyl from PYXIS documenting the medication was to be administered to various patients. Respondent withdrew Demerol and Fentanyl from PYXIS documenting the medication was to be administered to Patient Nos. 1, 5, 6 and 7. The MAR Records for these patients do not document the administration of any of these medications to these patients. There are no physicians orders for the medications withdrawn from PYXIS by Respondent for these patients. On or about the time and date and for the patient and drug indicated Respondent made the following PYXIS documented withdrawals: 1) Patient No. 1- Demerol 75mgs tubex on 2/13/04 at 2003 hours, on 2/13/04 at 2023 hours, on 2/14/04 at 0136 hours and on 2/14/04 at 1940 hours; Demerol 50mgs tubex on 2/13/04 at 2208 hours and on 2/14/04 at 0627 hours; Fentanyl 250mgs tubex on 2/13/04 at 2345 hours and two Fentanyl 100mgs tubexes on 2/14/04 at 2142 hours; 2) Patient No. 5-Two Demerol 75mgs tubexes on 3/20/04 at 2220 hours; 3) Patient No. 6-Two Demerol 50mgs tubexes on 2/21/04 at 1100 hours and two Fentanyl 100mgs tubexes on 2/21/04 at 1850 hours; 3) Patient No. 7-Demerol 75mgs tubex on 1/19/04 at 1528 hours.

(Kern Medical Center)

18. On or around September 2004, Respondent, by her own admission while on duty as a registered nurse at Kern Medical Center, Bakersfield, California (Kern), stole controlled substances including Fentanyl from the supplies of Kern by falsifying controlled

///

1 substance records and self administered the controlled substances by intramuscular (IM) injection  
2 into her hands in the hospital restroom.

3 19. Respondent while on duty as a registered nurse at Kern from August 28,  
4 2004 through September 12, 2004, stole and self administered approximately 2900mgs of  
5 Fentanyl from the supplies of Kern by falsifying controlled substance records including signed  
6 out Fentanyl from PYXIS documenting the medication was to be administered to various infant  
7 patients. Respondent withdrew Fentanyl from PYXIS documenting the medication was to be  
8 administered to Patient Nos. 1, 2 and 3. The MAR Records for these patients do not document  
9 the administration of any of these medications to these patients. There are no active physicians  
10 orders for the medications withdrawn from PYXIS by Respondent for Patients No. 1 and No. 3,  
11 and the physicians order for Fentanyl 2-mgs for Patient No. 2 was discontinued on August 31,  
12 2004. Respondent made the following PYXIS documented withdrawals of Fentanyl 100mgs  
13 vials: 1) Patient No. 1-Eleven vials at various times on 9/11/04 and ten vials at various times on  
14 9/12/04; 2) Patient No. 2-A total of six vials at various times on 8/28, 8/29, 9/11 and 9/12 and;  
15 3) Patient No. 3-Two vials at various times on 9/12/04.

16 FIRST CAUSE FOR DISCIPLINE

17 (Conviction of a Substantially Related Crime)

18 20. Respondent is subject to disciplinary action under section 4521,  
19 subdivision (f) and 490 as defined in California Code of Regulations, title 16, section 2578 in  
20 that Respondent was convicted of a substantially related crime. The circumstances are as follows:

21 a. On or about January 28, 2005, Respondent was convicted by the court on a  
22 plea of nolo contendere of Penal Code Section 488, a misdemeanor, (theft of personal property of  
23 another on or about September 12, 2004, to wit: Fentanyl belonging to Kern Medical Center) in  
24 the Superior Court of the State of California, County of Kern, Case No. BM664844A, entitled  
25 "People v. Amy Batten-Hollman."

26 b. The facts and circumstances are set forth in paragraph 18.

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SECOND CAUSE FOR DISCIPLINE

(Falsified Hospital and Patient Records)

21. Respondent is subject to disciplinary action for unprofessional conduct pursuant to Sections 2761(a) and 2762(e) and Health and Safety Code Section 11173 (b), in that while on duty as a registered nurse, Respondent falsified, or made grossly incorrect or grossly inconsistent or unintelligible entries in hospital, patient, or other records pertaining to controlled substances or dangerous drugs as stated in paragraphs 14-20.

THIRD CAUSE FOR DISCIPLINE

(Obtained or Possessed Controlled Substances by Deceit)

22. Respondent is subject to disciplinary action for unprofessional conduct pursuant to Sections 2761(a) and 2762(a) and Health and Safety Code Section 11173(a), in that Respondent obtained or possessed controlled substances and dangerous drugs without a valid prescription and by fraud or deceit as stated in paragraphs 14-20.

FOURTH CAUSE FOR DISCIPLINE

(Administered Controlled Substances to Oneself)

23. Respondent is subject to disciplinary action for unprofessional conduct pursuant to Sections 2761(a), 2762(a) and 2762(b) and Health and Safety Code Sections 11170 and 11171, in that Respondent self administered controlled substances and dangerous drugs to herself without a valid prescription and used them to an extent or in such manner as to be dangerous to the public, herself and patients, as stated in paragraphs 14-20.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

24. Respondent is subject to disciplinary action for unprofessional conduct pursuant to Section 2761(a) for the reasons stated in paragraphs 14-20.

///  
///  
///  
///

PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License No. 455467, issued to Amy H. Batten-Hollman.

2. Ordering Amy H. Batten-Hollman to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 3/26/07

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

LA2006601315  
MRG020907Final  
60194259.wpd